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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,762	12/21/2001	Abbas Rashid	NEXSI-01223US0	6231
28863	7590	01/11/2006		EXAMINER
SHUMAKER & SIEFFERT, P. A. 8425 SEASONS PARKWAY SUITE 105 ST. PAUL, MN 55125				HARPER, KEVIN C
			ART UNIT	PAPER NUMBER
				2666

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/036,762	RASHID ET AL.	
	Examiner	Art Unit	
	Kevin C. Harper	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 30 September 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 39-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 39-45,49-53 and 57-62 is/are rejected.
- 7) Claim(s) 46-48 and 54-56 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 7/05, 10/05.
  - 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
  - 5) Notice of Informal Patent Application (PTO-152)
  - 6) Other: \_\_\_\_\_.

***Response to Arguments***

Applicant's arguments, filed September 30, 2005 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lea in view of Ikeda.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39-43, 50-53 and 57-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea (US 6,115,373) in view of Ikeda (5,787,073).

1. Regarding claims 39-43, 50-53 and 57-61, Lea discloses a cross bar switch (fig. 10) comprising a set of input ports (fig. 1, item 2), a set of sink ports (item 3) that includes a communication link interface (fig. 3) including a retry input (col. 6, lines 22-24) where a sink port responds to the signal on the retry input (col. 6, lines 24-27). However, Lea does not disclose that the sink port aborts transmission of a data packet and transmits the data packet after waiting an amount of time. Ikeda discloses aborting data packet transmission and transmitting the data packet after waiting an amount of time (col. 4, lines 1-3). The transmission is paused until the signal is altered (col. 5, lines 65-67; note: an ER value explicitly indicates a data rate for backpressure). The switch includes a register for maintaining congestion state values (col. 3, lines 40-52) which is used for pausing a predetermined amount of time (col. 3, lines 60-62). Therefore, it would have been

obvious to one skilled in the art at the time the invention was made for the output port to pause the transmission of packets in the invention of Lea in order to stop transmission to a congested switch (Ikeda, col. 3, lines 53-60).

Claims 44-45 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea (US 6,115,373) in view of Ikeda (5,787,073), as applied to claim 39 above, in further view of Karol (US 5,416,769).

2. Regarding claims 44-45 and 49, Lea in view of Ikeda does not disclose a set of data rings in communication with the input ports and sink ports. Karol discloses a several rings (fig. 1, item 105) in communication with a set of input ports (items 101) and sink ports (items 103). The switch includes a storage buffer (fig. 3, item 18; note: delay lines). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a set of data rings in communication with the ports in the invention of Lea in order to provide a non-blocking switch (Karol, col. 1, lines 11-20; col. 2, lines 3-15).

Claim 62 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea (US 6,115,373) in view of Ikeda (5,787,073), as applied to claim 57 above, in further view of Joung et al. (US 6,628,613).

3. Lea in view of Ikeda does not disclose a communication interface as a collision output. Joung discloses an output of a switch as a collision output (fig. 1). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a collision output in the invention of Lea in view of Ikeda in order to provide a connection to an Ethernet-based network (col. 1, lines 26-32).

***Allowable Subject Matter***

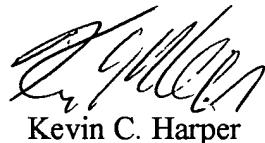
Claims 46-48, 54-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

January 9, 2006